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LB 1193

PRESIDENT ROBAK: Senator Hudkins.

SENATOR ABOUD: Go ahead, Senator Hudkins.

SENATOR HUDKINS: I inquired as to the liability that you were talking about...

SENATOR ABOUD: Um-hum.

SENATOR HUDKINS: ...and at the present time DEQ and EPA are the ones that regulate the dust and, because of the smallness of the particulate matter, that is not considered to be a pollutant. And if there are problems that could be addressed in a bill next year as far as mediation, but right we see that there would be no liability on the state of Nebraska.

SENATOR ABOUD: Okay. Well, thank you, Senator Hudkins. My only concern is not the...I guess I wasn't concerned about the environmental issue, but rather the liability issue that was addressed by the Nebraska Supreme Court last year and the issue is over responsibility by the Public Service Commission over the grain warehouses and if, in fact, this would be an expansion of the liability protection that the state gave to...to the individuals that had stored grain in this warehouse, or if we had an expansion. I notice the language that talks about the ten-day holding of the grain in a receptacle in which the grain is held for longer than ten days would be considered a public grain warehouse, which the question then leads to is that, I assume, is regulated by the Public Service Commission which, in turn, would then be...expand the liability of the state for...for the issues of regulation of and the proper bonding of these grain warehouses. It's an issue that I think needs to be looked at and maybe it's something...I realize we're dealing with this as an amendment on a bill that's going to be headed over to Final Reading, but because of the liability issues, I wasn't even aware at the time that until this court case came down that the state of Nebraska had such an open-ended liability question on individuals that store their grain in their warehouse and how the state could somehow be liable when it clearly is not their responsibility whether or not this...the financial...the financial resources of these grain elevators do not appear to be the responsibility of the state. And if